

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
AT AKRON

IN RE:	)	CASE NO. 12-54005
TONY & TONYA CHARLES	)	CHAPTER 7
Debtors	)	BANKRUPTCY JUDGE:
	)	MARILYN SHEA-STONUM
	)	
	)	<b>MOTION FOR SANCTIONS</b>
	)	<b><u>MOTION FOR TURNOVER</u></b>
	)	REQUEST FOR HEARING
	)	

Now comes Harold A. Corzin, Chapter 7 Trustee herein, and moves this Court as follows:

1. The debtors were originally obligated to the bankruptcy estate in the sum of \$1,609.11 the same representing prorated, unexempt liquid assets. The debtors tendered the sum of \$200.00 on August 2, 2013 and \$100.00 on October 11, 2013 leaving a current balance of \$1,309.11.
2. Due to the fact that the debtors did not pay their obligation to the estate as agreed, and due to the fact that the debtors have not made any additional payments to the estate and have not communicated with the undersigned Trustee, the Trustee originally obtained an order directing the debtors to appear

for examination on July 12, 2013 at 2:00 p.m.. The debtors failed to appear and did not communicate with the Trustee.

3. As a result thereof, the Trustee filed an additional Motion seeking the debtors' attendance at an examination pursuant to Bankruptcy Rule 2004. The second Motion was filed on September 30, 2013 and directed the debtors' attendance for examination on October 11, 2013 at 2:00 p.m.. The debtors again failed to appear.
4. Thereafter, the Trustee filed a Notice of Adjourned 2004 Examination advising the debtors of said adjournment and requesting that they appear on January 3, 2014 at 2:00 p.m.. Once again, the debtors failed to appear.
5. At all times the debtors' counsel also failed to appear and did not communicate with the Trustee in any fashion.
6. The Trustee seeks an order directing the debtors to turn over the sum of \$1,309.11 representing the balance of liquid assets owed to the estate per the spreadsheet which is appended hereto and incorporated herein by reference. The Trustee further requests that this Court sanction the debtors and/or their attorney (wherever the fault may lie) based upon the debtors apparent willful failure to appear at two Court ordered examinations pursuant to Bankruptcy Rule 2004 and one adjourned examination.

WHEREFORE, the Trustee prays for relief accordingly.

/s/ Harold A. Corzin  
HAROLD A. CORZIN, (#0005021)  
CHAPTER 7 TRUSTEE  
304 N. Cleveland-Massillon Road  
Akron, Ohio 44333

(330) 670-0770 Voice  
(330) 670-0297 Facsimile  
[Hcorzin@csu-law.com](mailto:Hcorzin@csu-law.com)

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion was sent to the following:

Debtors:  
Tony & Tonya Charles  
1140 Hartville Rd.  
Ste 1140  
Atwater, OH 44201  
(Regular U. S. Mail)

Attorney for Debtors:  
Trent Binger  
(Electronic service)

Office of the United States Trustee  
(Electronic service)

on this 20<sup>th</sup> day of January, 2014

/s/ Harold A. Corzin  
HAROLD A. CORZIN